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**AIR FORCE**



**HUMAN RESOURCES**

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**FACTORS RELATED TO THE INCIDENCE  
OF DISCIPLINARY ACTIONS AMONG  
ENLISTED PERSONNEL**

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By

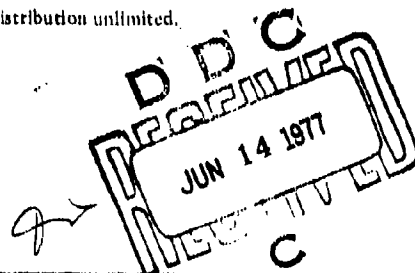
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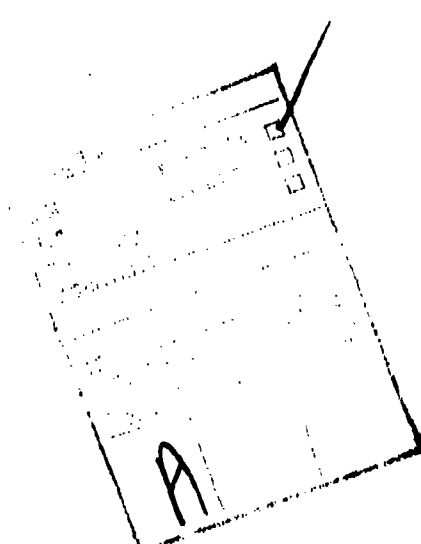
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| 20. ABSTRACT (Continue on reverse side if necessary and identify by block number)<br>The purpose of the study was to examine the disciplinary rates of various subgroups of the enlisted population and the attitudes of officers and enlisted personnel towards the military justice system. A fairly clear picture emerged of the serviceman who is prone to encounter disciplinary problems. Such an individual is likely to be young, in his first term, low ranking, single, relatively uneducated, and serving in a relatively low skilled military occupation. The tiered severity of the military justice system appeared to be working satisfactorily. In general, a great deal of unfamiliarity with the military justice system was found among both officers and enlisted personnel. Officers were found to judge disciplinary actions as reasonable and fair while enlisted personnel were more likely to see them as being too strict. |  |  |

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## FACTORS RELATED TO THE INCIDENCE OF DISCIPLINARY ACTIONS AMONG ENLISTED PERSONNEL

### INTRODUCTION

All members of the military service come under the jurisdiction of the Uniform Code of Military Justice (UCMJ), originally passed in 1950 and substantially amended by the Military Justice Act of 1968. The Department of Defense is continually concerned with maintaining a fair and effective disciplinary system. In 1972, a task force was commissioned to study the military justice system. The task force issued a comprehensive, four-volume report recommending a number of changes in the military justice system (Report of the Task Force on the Administration of Military Justice in the Armed Forces, 1972). The purpose of the present study is to supply some baseline data against which the results of future changes in the military justice system can be assessed.

The data for this report came from the 1973 DoD Personnel Survey (Enlisted Form B and Officer Form D). This omnibus survey was administered in the Fall of 1973 to a stratified random sample of servicemen within the four military services. Complete details on the survey development, testing, administration, and weighting have been reported elsewhere (Beusse, 1974A). A descriptive profile of the enlisted and officer populations at the time the survey was administered has also been prepared (Beusse, 1974B). The information in this report consists of sample estimates based upon the responses of over 30,000 military personnel which have been weighted to represent the total military population. The survey gathered data on the incidence of various disciplinary actions, the opinions of servicemen regarding those actions, and a number of related questions. The actual questions are listed in Appendix A.

However, it should be noted that there is a serious limitation to the applicability of the survey data when analyzed with respect to disciplinary actions. The respondents to the questionnaire consisted only of personnel still on active duty and not serving in confinement. Because the more serious disciplinary actions often result in either confinement or separation from the service, these disciplinary rates are understated, especially for courts-martial. All statements and data in this report relating to disciplinary rates are subject to this limitation. Official courts-martial and non-judicial punishment rates are shown in Appendix B for comparison purposes.

Consistent with the philosophy that punishment be appropriate to the offense, the military justice system incorporates several types of disciplinary actions of varying degrees of severity. The least severe form of disciplinary action involves the use of what are referred to as "nonpunitive" measures. Nonpunitive actions, although mentioned in the Manual for Courts-Martial, actually operate outside the official military justice system. This category of punishment consists of:

" . . . those nonpunitive measures that a commanding officer or officer in charge is authorized and expected to use to further the efficiency of his command or unit, such as administrative admonitions, reprimands, exhortations, disapprovals, criticisms, censures, reproofs and rebukes. . ."  
(Manual for Courts-Martial, para 129 C)

As such, these actions are intended to serve a remedial purpose by correcting minor incidents before they become more serious. The definition of nonpunitive actions, however, is somewhat vague.

The second level of disciplinary actions involves the use of non-judicial punishments. The use of these punishments is governed by Article 15, UCMJ. Like the nonpunitive action, punishments under Article 15 are primarily corrective in nature.

The most serious form of disciplinary action is the court-martial. There are three types of courts-martial, varying in jurisdiction, punishment limits, and procedural rights for the accused. The summary court-martial is the lowest level; the special court-martial the intermediate level; and the general court-martial is the highest level military court. The Task Force study mentioned above found that of the courts-martial convened in FY 1972, 5.5 percent were general, 50.7 percent special, and 43.8 percent summary. The survey item used to gather data for this report made no distinction as to the type of court-martial.

#### DISCIPLINARY RATES

The 1973 DoD Personnel Survey obtained self-reported information from enlisted personnel on the incidence of disciplinary actions during the previous twelve months. The percentages of various subgroups on active duty and not in confinement acknowledging the receipt of a disciplinary action are used to develop disciplinary rates.

The incidence of disciplinary actions varies considerably by branch of the military service (Table 1).

Table 1

#### Disciplinary Rates of Active Duty Personnel by Service

| Military Department | Received<br>Nonpunitive<br>Action | Received<br>Article<br>15 | Received<br>Court-<br>Martial | Court-Martial<br>Recipients<br>Convicted |
|---------------------|-----------------------------------|---------------------------|-------------------------------|--|
| ARMY                | 17.7%                             | 17.2%                     | 3.4%                          | 61.0%                                    |
| NAVY                | 14.1                              | 9.5                       | 1.7                           | 67.6                                     |
| MARINE CORPS        | 18.6                              | 16.9                      | 7.0                           | 75.8                                     |
| AIR FORCE           | 8.3                               | 4.1                       | .7                            | 47.7                                     |
| TOTAL DOD           | 14.1                              | 11.3                      | 2.5                           | 64.7                                     |

Overall, 14.1 percent of the servicemen indicated they had received a non-punitive action during the past year. The Marine Corps and the Army had the highest rates while the Air Force had the lowest.

Article 15s were received by 11.3 percent of the enlisted personnel. The Army and the Marine Corps again had the highest rates while the Air Force had the lowest.

The widest variance in the disciplinary action incidence rates was in the courts-martial area. Two and a half percent of the servicemen indicated having received a court-martial in the past year. The Marine Corps had by far the highest rate (7 percent) while the Air Force had the lowest rate (.7 percent).

With respect to court-martial convictions, the Marine Corps again had the highest rate, with 78.5 percent of those Marines who had received a court-martial being convicted. The Air Force again had the lowest rate (47.7 percent). The overall DoD conviction rate was 64.7 percent.

The incidence of disciplinary actions seems to be concentrated in specific segments of the enlisted population. As Table 2 shows, the incidence rates decline for all three types of disciplinary actions as the number of tours served by the servicemen increases.

Table 2

Disciplinary Rates of Active Duty Personnel by Tour of Duty

| Tour of Duty                 | Received<br>Nonpunitive<br>Action | Received<br>Article<br>15 | Received<br>Court-<br>Martial |
|------------------------------|-----------------------------------|---------------------------|-------------------------------|
| ORIGINAL                     | 20.2%                             | 16.2%                     | 3.4%                          |
| SECOND ENLISTMENT            | 9.4                               | 7.6                       | 1.5                           |
| THIRD OR LATER<br>ENLISTMENT | 3.1                               | 2.5                       | 1.1                           |

Servicemen serving in their original tour have a much greater probability of running afoul of the disciplinary system than those in later tours. Undoubtedly, selection mechanisms have a good deal of effect upon this result. That is, those servicemen with a history of disciplinary problems are less likely to be eligible for reenlistment. Also, to the extent these problems are symptomatic of maladjustment to military discipline, such servicemen are also less likely to reenlist even if that option is open to them.

Three other characteristics which are closely related to tour of duty, (time-in-service, pay grade, and age) show a similar pattern. In looking



at time-in-service (Table 3), it was found that almost two-thirds of the disciplinary actions have been applied to servicemen with less than four years of service.

Another variable related to tour of duty and time-in-service is pay grade (Table 4). As can be seen, the incidence rate of each type of disciplinary action was very high among personnel in pay grades E-1 and E-2, moderately high among E-3s and E-4s, and fairly low among those in pay grades E-5 or above.

Table 3

Disciplinary Rates of Active Duty Personnel by Time-in-Service

| Time in Service   | Received<br>Nonpunitive<br>Action | Received<br>Article<br>15 | Received<br>Court-<br>Martial |
|-------------------|-----------------------------------|---------------------------|-------------------------------|
| LESS THAN 4 YEARS | 20.4%                             | 16.6%                     | 3.5%                          |
| 4 TO 10 YEARS     | 7.8                               | 6.2                       | 1.6                           |
| 10 TO 16 YEARS    | 2.1                               | 1.6                       | .3                            |
| 16 OR MORE YEARS  | 2.1                               | 1.3                       | .3                            |

Table 4

Disciplinary Rates of Active Duty Personnel by Pay Grades

| Pay Grade | Received<br>Nonpunitive<br>Action | Received<br>Article<br>15 | Received<br>Court-<br>Martial |
|-----------|-----------------------------------|---------------------------|-------------------------------|
| E1        | 33.3%                             | 36.5%                     | 10.9%                         |
| E2        | 28.2                              | 23.1                      | 4.4                           |
| E3        | 19.0                              | 11.6                      | 2.2                           |
| E4        | 12.2                              | 8.8                       | 1.3                           |
| E5        | 4.8                               | 3.6                       | .7                            |
| E6        | 2.4                               | 2.1                       | .8                            |
| E7        | 1.3                               | .7                        | .3                            |
| E8        | .8                                | .7                        | .3                            |
| E9        | .7                                | .2                        | .0                            |

It should be noted that since disciplinary actions can often result in reduction of pay grade, the disciplinary rates for low ranking personnel may be somewhat overstated.

Yet another variable related to the last three discussed is age (Table 5). Again, a clear pattern emerges. Young servicemen are much more likely to have received disciplinary actions than older servicemen.

Table 5

Disciplinary Rates of Active Duty Personnel by Age

| Age         | Received<br>Nonpunitive<br>Action | Received<br>Article<br>15 | Received<br>Court-<br>Martial |
|-------------|-----------------------------------|---------------------------|-------------------------------|
| 19 OR LESS  | 28.3%                             | 23.3%                     | 4.4%                          |
| 20 TO 23    | 18.1                              | 14.3                      | 3.2                           |
| 24 TO 29    | 8.2                               | 6.8                       | 1.6                           |
| 30 TO 39    | 2.0                               | 1.4                       | .7                            |
| 40 OR ABOVE | 1.9                               | 1.3                       | .1                            |

No significant differences were found between the disciplinary rates of males and females (Table 6). Both sexes seemed to receive disciplinary actions in about the same proportion.

Table 6

Disciplinary Rates of Active Duty Personnel by Sex

| Sex    | Received<br>Nonpunitive<br>Action | Received<br>Article<br>15 | Received<br>Court-<br>Martial |
|--------|-----------------------------------|---------------------------|-------------------------------|
| MALE   | 14.0%                             | 11.2%                     | 2.5%                          |
| FEMALE | 13.5                              | 12.8                      | 2.7                           |

Marital status was also found to be related to disciplinary rates (Table 7). Single servicemen were much more likely to have been subject to some type of disciplinary action than married servicemen. It should be noted, however, that marital status is related to age, i.e., the young are less likely to be married. Single servicemen were also somewhat more likely to have had disciplinary problems than those servicemen who had experienced some type of marital instability or disruption. Also, since single servicemen are more likely to live on the installation, they are more vulnerable to the disciplinary system. That is, there are actions which constitute disciplinary infractions on a military base which are not infractions in civilian life. Also, violations occurring off-base are less likely to be observed. Therefore, the degree of exposure experienced by single personnel is greater than that experienced by those who are married. Low exposure is likely to lead to lower incidence of disciplinary actions.

Table 7

Disciplinary Rates of Active Duty Personnel by Marital Status

| Marital Status                  | Received<br>Nonpunitive<br>Action | Received<br>Article<br>15 | Received<br>Court-<br>Martial |
|---------------------------------|-----------------------------------|---------------------------|-------------------------------|
| MARRIED                         | 7.7%                              | .6.9%                     | 1.5%                          |
| SINGLE                          | 22.3                              | 16.4                      | 3.8                           |
| DIVORCED, SEPARATED,<br>WIDOWED | 13.4                              | 15.5                      | 2.9                           |

Among married personnel, the number of dependents was found to be negatively related to receipt of nonpunitive and nonjudicial punishment, while no clear relationship appeared with regard to courts-martial (Table 8). Number of dependents, however, is also interrelated with age.

Table 8

Disciplinary Rates of Active Duty Personnel by Number of Dependents Among Married Personnel

| Number of<br>Dependents | Received<br>Nonpunitive<br>Action | Received<br>Article<br>15 | Received<br>Court-<br>Martial |
|-------------------------|-----------------------------------|---------------------------|-------------------------------|
| NONE                    | 16.4%                             | 22.4%                     | 1.2%                          |
| ONE                     | 10.2                              | 8.5                       | 2.3                           |
| TWO-THREE               | 7.0                               | 5.3                       | 1.4                           |
| FOUR OR MORE            | 3.0                               | 3.0                       | .8                            |

Members of racial or ethnic minority groups were more likely to have received a disciplinary action than Caucasians (Table 9). Among the minority groups, the American Indians seemed to have the highest disciplinary rates. Negroes tended to have the second highest in the nonpunitive and nonjudicial areas, while Asian Americans had the second highest court-martial rate. Caucasians had the lowest rates in all three categories. These statistics, however, may be misleading since the Military Justice Task Force Follow-on Studies found that whites are more likely than blacks to opt for administrative discharge in lieu of court-martial.

Table 9  
Disciplinary Rates of Active Duty Personnel by Racial or  
Ethnic Group

| Racial or<br>Ethnic Group | Received<br>Nonpunitive<br>Action | Received<br>Article<br>15 | Received<br>Court-<br>Martial |
|---------------------------|-----------------------------------|---------------------------|-------------------------------|
| AMERICAN INDIAN           | 23.9%                             | 27.2%                     | 8.3%                          |
| NEGRO                     | 18.5                              | 18.7                      | 3.9                           |
| SPANISH-MEXICAN-AMERICAN  | 17.6                              | 12.4                      | 2.8                           |
| ASIAN AMERICAN            | 15.2                              | 14.6                      | 5.2                           |
| CAUCASIAN                 | 12.9                              | 9.7                       | 2.1                           |

Educational level was also found to be related to the incidence of disciplinary problems (Table 10). Servicemen who entered the military with less than a high school education were much more likely to have received some type of disciplinary action than those who had at least graduated from high school.

In looking at present educational level, the group with less than high school education had the highest disciplinary rates of any of the educational groups, approximately two to three times higher than those who had high school diplomas or GED certificates. Current non-graduates also have much higher disciplinary rates than the group which had less than high school education at time of entry even though they are also members of that group. This indicates that there is a relationship between educational upgrading and a reduction in disciplinary rates. Unfortunately, the data upon which this report is based do not permit an examination of the nature of the relationship.

Those servicemen who indicated they probably or definitely would not have entered the military if it had not been for the draft were slightly more likely to have received a disciplinary action than those servicemen classified as "true volunteers" (Table 11).

Table 10  
Disciplinary Rates of Active Duty Personnel by Educational Level

| Education<br>at Entry | Received<br>Nonpunitive<br>Action | Received<br>Article<br>15 | Received<br>Court-<br>Martial |
|-----------------------|-----------------------------------|---------------------------|-------------------------------|
| LESS THAN HIGH SCHOOL | 20.0%                             | 18.2%                     | 4.7%                          |
| HIGH SCHOOL OR GED    | 12.2                              | 9.3                       | 2.0                           |
| AT LEAST SOME COLLEGE | 12.1                              | 8.7                       | 1.4                           |
| Present<br>Education  |                                   |                           |                               |
| LESS THAN HIGH SCHOOL | 32.4%                             | 30.6%                     | 7.9%                          |
| HIGH SCHOOL OR GED    | 13.3                              | 10.4                      | 2.1                           |
| AT LEAST SOME COLLEGE | 9.6                               | 7.0                       | 1.6                           |

Table 11  
Disciplinary Rates of Active Duty Personnel by Stated Draft  
Motivation and Source of Accession

| Enlistment Motivation   | Received<br>Nonpunitive<br>Action | Received<br>Article<br>15 | Received<br>Court-<br>Martial |
|-------------------------|-----------------------------------|---------------------------|-------------------------------|
| TRUE VOLUNTEER          | 11.9%                             | 10.1%                     | 2.1%                          |
| DRAFT MOTIVATED         | 16.4                              | 11.4                      | 2.8                           |
| Source of Accession     |                                   |                           |                               |
| ENLISTED                | 13.9%                             | 11.9%                     | 2.6%                          |
| DRAFTED                 | 14.2                              | 12.0                      | 2.8                           |
| 180 DAY DELAY PROGRAMS* | 16.1                              | 9.4                       | 1.6                           |
| OTHER**                 | 10.8                              | 7.9                       | 3.3                           |

\*Includes DEP, CACHE, STASHEE Programs

\*\*Includes entry through an officer acquisition program, Reserves or National Guard.

No differences were found between the disciplinary rates of enlistees and inductees (Table 11). Disciplinary rates among the other sources of accession differed, but the variation revealed no clear pattern.

Servicemen serving in the relatively unskilled military specialties (infantry, gun crew, etc.) were more likely to incur disciplinary actions than other servicemen (Table 12). The lowest rates were found among Electronic Equipment Repair personnel. However, it should be realized that military specialty is related to education.

Table 12  
Disciplinary Rates of Active Duty Personnel by Primary  
Military Specialty

| Primary<br>Military<br>Specialty | Received<br>Nonpunitive<br>Action | Received<br>Article<br>15 | Received<br>Court-<br>Martial |
|----------------------------------|-----------------------------------|---------------------------|-------------------------------|
| INFANTRY, GUN CREW, ETC.         | 24.7%                             | 25.1%                     | 4.8%                          |
| ELECTRONIC EQUIP. REPAIR.        | 8.8                               | 5.6                       | .3                            |
| COMM. AND INTELLIG.              | 13.1                              | 9.8                       | 2.9                           |
| MEDICAL AND DENTAL               | 13.4                              | 10.7                      | 2.0                           |
| TECHNICAL SPECIALTIES            | 11.1                              | 7.0                       | 1.4                           |
| ADMINISTRATION                   | 9.7                               | 9.3                       | 2.4                           |
| ELEC-MECH. EQUIP.<br>REPAIR      | 14.6                              | 10.9                      | 1.6                           |
| CRAFTSMEN                        | 14.7                              | 6.2                       | 1.6                           |
| SERVICE AND SUPPLY               | 14.6                              | 11.2                      | 4.9                           |

In general, a fairly clear profile emerges of the serviceman who is prone to have disciplinary problems. Such an individual is likely to be a young, first-termer, of low rank, who is single, has less than a high school education, and is serving in a relatively low skilled military occupation.

The common thread running through these findings seems to be related to the individual's stake in maintaining a good record. Servicemen who have few, if any, family responsibilities and those who, by virtue of low education and/or skill level, do not have as great a need to have transferable credentials, can encounter problems with the disciplinary system without incurring as high a "cost" as the individual who has a family and some investment in his credentials (education, training, and experience).

#### MULTIPLE OFFENSES

As was noted earlier, the military justice system consists of a number of levels of disciplinary actions of increasing severity. If the system is working as intended, we should expect to find that (1) only a few of the individuals who received nonpunitive or nonjudicial punishments also received a court-martial and (2) most of those who received a court-martial also received some other form of disciplinary action. The first expectation results from faith in the rehabilitative and deterrent aspects of the milder disciplinary actions. The second expectation results from the belief that courts-martial are utilized only for serious offenses or chronic offenders.

Table 13 shows the distribution of DoD enlisted personnel across the eight mutually exclusive categories of disciplinary experience. Over four-fifths of the servicemen incurred no disciplinary actions at all. Of the 19.4 percent who incurred a disciplinary action, over 87 percent received nothing more serious than an Article 15.

Table 13

#### Distribution of Disciplinary Experiences

| Received<br>Nonpunitive<br>Action | Received<br>Article<br>15 | Received<br>Court-<br>Martial | Percent of<br>DoD Enlisted<br>Personnel |
|-----------------------------------|---------------------------|-------------------------------|---|
| NO                                | NO                        | NO                            | 80.6%                                   |
| YES                               | NO                        | NO                            | 6.9                                     |
| NO                                | YES                       | NO                            | 4.2                                     |
| YES                               | YES                       | NO                            | 5.8                                     |
| NO                                | NO                        | YES                           | .8                                      |
| YES                               | NO                        | YES                           | .4                                      |
| NO                                | YES                       | YES                           | .4                                      |
| YES                               | YES                       | YES                           | .9                                      |

Table 14 presents information on the multiple offense experiences of disciplinary action recipients. The data indicate that the tiered system of disciplinary actions is, to some extent, working as intended. That is, as the severity of the disciplinary action increases, the percentage of recipients with no other disciplinary experience decreases and the percentage receiving both types of disciplinary actions increases. This trend is especially evident among court-martial recipients.

Based on this data, two conclusions can be drawn. First, the military justice system seems to be utilizing lesser punishments before resorting to harsher treatments. Second, a majority of the servicemen receiving punishment under the provisions of the UCMJ appear to be disciplinary problems (i.e., they have received prior disciplinary actions).

Table 14

Multiple Offense Experiences of  
Disciplinary Action Recipients

Personnel Who Received Nonpunitive Action

|   |               |
|---|---------------|
| Received <u>only</u> nonpunitive action                     | 49.1%         |
| <u>Also</u> received Article 15                             | 41.2          |
| <u>Also</u> received court-martial                          | 3.1           |
| <u>Also</u> received <u>both</u> Article 15 & court-martial | 6.6           |
|   | <u>100.0%</u> |

Personnel Who Received Article 15

|  |               |
|--|---------------|
| Received <u>only</u> Article 15  | 37.4%         |
| <u>Also</u> received nonpunitive action                                  | 51.2          |
| <u>Also</u> received court-martial                                       | 3.2           |
| <u>Also</u> received <u>both</u> nonpunitive action<br>and court-martial | 8.2           |
|  | <u>100.0%</u> |

Personnel Who Received Court-Martial

|   |               |
|---|---------------|
| Received <u>only</u> court-martial                                    | 31.0%         |
| <u>Also</u> received nonpunitive action                               | 17.3          |
| <u>Also</u> received Article 15                                       | 14.6          |
| <u>Also</u> received <u>both</u> nonpunitive action<br>and Article 15 | 37.1          |
|   | <u>100.0%</u> |

## ATTITUDES TOWARD FAIRNESS OF DISCIPLINARY ACTIONS

The survey instrument also gathered information on the attitudes of officer and enlisted personnel regarding the fairness of disciplinary actions. Since it was anticipated that the experience of some personnel would be too limited to assess the various actions, a response category "No opinion or not in a position to judge" was included. Table 15 shows the percentage of responses this category received.

Table 15

Percent of Active Duty Military Personnel  
Indicating Lack of a Basis to Judge Fairness

| Type of Disciplinary Action | Enlisted | Officer |
|-----------------------------|----------|---------|
| NONPUNITIVE ACTION          | 36.0%    | 36.3%   |
| ARTICLE 15                  | 40.3     | 44.3    |
| COURT-MARTIAL               | 60.5     | 54.7    |

As can be seen, a sizable minority of both enlisted and officer personnel indicate insufficient knowledge upon which to base a judgment. This points out the need for more "information" on the military justice system in general and the results and rationale behind specific disciplinary actions.

When asked if they had ever attended a court-martial as a spectator, 14.6 percent of the enlisted personnel answered "yes." Among those attendees, only 14.5 percent still disqualified themselves as having insufficient knowledge upon which to base a judgment regarding the equity of court-martial. This illustrates the power of an information program which allows personnel to gather first-hand information.

Among those personnel who have an opinion on the fairness of disciplinary actions, there is a wide disparity between the attitudes of enlisted personnel and officers (Table 16). Officers are much more likely to rate disciplinary actions as being "reasonable and fair," whereas enlisted personnel are much more likely to rate them as being "too strict." This great disparity between the disburers and recipients of military justice dramatically highlights the need for more adequate information.

Table 16

Distribution of Opinions Regarding the Fairness of Disciplinary  
Actions Among Those Active Duty Personnel Indicating a Willingness  
to Make a Judgment

| Judgment            | Nonpunitive<br>Actions |       | Article<br>15s |       | Courts-<br>Martial |       |
|---------------------|------------------------|-------|----------------|-------|--------------------|-------|
|                     | Enl.                   | Off.  | Enl.           | Off.  | Enl.               | Off.  |
| REASONABLE AND FAIR | 49.8%                  | 72.7% | 49.4%          | 72.4% | 56.7%              | 69.1% |
| TOO LENIENT         | 21.3                   | 22.9  | 19.4           | 22.8  | 18.9               | 28.3  |
| TOO STRICT          | 28.9                   | 4.4   | 31.2           | 4.8   | 24.4               | 2.6   |



When looking at the attitudes of disciplinary action recipients versus nonrecipients, a fair degree of acceptance of the disciplinary system can be seen, even among those who have been subject to punishments (Table 17).

The data in Tables 16 and 17 taken together indicate that the disparity of opinion regarding the fairness of military justice is not being caused solely by the negative opinions of disciplinary action recipients. Again, the need for information on the workings of the military justice system is apparent.

Table 17

Attitudes of Active Duty Disciplinary Action Recipients  
and Nonrecipients Regarding the Fairness of Disciplinary Actions

|                     | Nonpunitive<br>Actions |              | Article<br>15s |              | Courts-<br>Martial |              |
|---------------------|------------------------|--------------|----------------|--------------|--------------------|--------------|
|                     | Rec'd                  | Not<br>Rec'd | Rec'd          | Not<br>Rec'd | Rec'd              | Not<br>Rec'd |
| REASONABLE AND FAIR | 33.6%                  | 52.9%        | 33.5%          | 52.0%        | 37.0%              | 57.5%        |
| TOO LENIENT         | 8.8                    | 23.7         | 8.2            | 21.3         | 9.5                | 19.3         |
| TOO STRICT          | 57.6                   | 23.4         | 58.3           | 26.7         | 53.5               | 23.1         |

### References

Beusse, W.E. Documentation of the 1973 DoD Personnel Survey, MR 74-11, OASD(M&RA), May 1974(A).

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Manual for Courts-Martial, Revised, 1969, U.S. Government Printing Office, 1969.

Report of the Task Force on the Administration of Military Justice in the Armed Forces, Office of the Assistant Secretary of Defense (Manpower and Reserve Affairs) Equal Opportunity, November 30, 1972.

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## APPENDIX A

Actual questions asked in the 1973 DOD Personnel Survey.

Enlisted Form B: 98,99,100,101,102,103,104

Officer Form D: 99,101,103,104

98. Have you been the subject of nonpunitive action (other than Article 15 or court-martial) such as extra duty or restriction in the past twelve months?
- A. No
  - B. Yes, once
  - C. Yes, more than once
99. Do you think most of the nonpunitive actions in your unit are reasonable and fair?
- A. Yes, reasonable and fair
  - B. No, too lenient
  - C. No, too strict
  - D. No opinion or not in a position to judge
100. Have you received punishment under Article 15, UCMJ, in the past twelve months?
- A. No
  - B. Yes, once
  - C. Yes, more than once
101. Do you think most of the Article 15 punishments in your unit are reasonable and fair?
- A. Yes, reasonable and fair
  - B. No, too lenient
  - C. No, too strict
  - D. No opinion or not in a position to judge
102. Have you received a court-martial in the past twelve months?
- A. No
  - YES:
  - B. Once, but I was not convicted
  - C. Once, and I was convicted
  - D. More than once, but was never convicted
  - E. More than once, and I was convicted at least once

103. Do you think that most of the courts-martial in your unit are reasonable and fair?

- A. Yes, reasonable and fair
- B. No, too lenient
- C. No, too strict
- D. No opinion or not in a position to judge

104. Have you attended a court-martial as a spectator?

- A. No
- B. Yes
- C. Yes, more than once

**APPENDIX B: UPDATED AND CORRECTED COPY  
NUMBER OF COURTS-MARTIAL AND NON-JUDICIAL PUNISHMENTS  
IN THE ARMED FORCES**

|   | FY 71   | FY 72   | FY 73   | FY 74   | FY 75   | FY 76*  |
|---|---------|---------|---------|---------|---------|---------|
| <b>General Courts-Martial</b>                   |         |         |         |         |         |         |
| Army  | 2,571   | 1,867   | 1,493   | 1,696   | 1,462   | 1,305   |
| Navy  | 302     | 218     | 162     | 163     | 157     | 213     |
| Air Force                                       | 175     | 172     | 246     | 242     | 193     | 212     |
| Marine Corps                                    | 636     | 682     | 517     | 387     | 451     | 344     |
| Total   | 3,684   | 2,939   | 2,418   | 2,488   | 2,263   | 2,074   |
| Rate/1000                                       | 1.28    | 1.16    | 1.04    | 1.13    | 1.05    | .97     |
| <b>Special Courts-Martial</b>                   |         |         |         |         |         |         |
| Army  | 25,920  | 15,239  | 12,802  | 13,644  | 9,424   | 6,045   |
| Navy  | 6,967   | 3,675   | 3,935   | 5,213   | 5,384   | 4,722   |
| Air Force                                       | 1,701   | 2,082   | 2,146   | 2,375   | 1,527   | 1,007   |
| Marine Corps                                    | 6,449   | 5,755   | 5,760   | 7,429   | 7,112   | 5,477   |
| Total   | 41,038  | 26,751  | 24,643  | 28,661  | 23,447  | 17,251  |
| Rate/1000                                       | 14.19   | 10.65   | 10.60   | 13.00   | 10.94   | 8.04    |
| <b>Summary Courts-Martial</b>                   |         |         |         |         |         |         |
| Army  | 13,907  | 12,134  | 5,627   | 4,825   | 3,727   | 1,797   |
| Navy  | 5,975   | 4,695   | 4,496   | 3,810   | 3,585   | 3,454   |
| Air Force                                       | 208     | 164     | 82      | 67      | 37      | 29      |
| Marine Corps                                    | 7,572   | 6,141   | 6,283   | 4,719   | 4,505   | 3,626   |
| Total   | 27,662  | 23,134  | 17,488  | 13,421  | 11,854  | 8,906   |
| Rate/1000                                       | 9.53    | 9.21    | 7.53    | 6.08    | 5.53    | 4.15    |
| Grand Total                                     | 72,384  | 52,824  | 44,549  | 44,570  | 37,564  | 28,231  |
| Rate/1000                                       | 24.99   | 21.04   | 19.18   | 20.19   | 17.52   | 13.16   |
| <b>Non-Judicial Punishments (Art. 15, UCMJ)</b> |         |         |         |         |         |         |
| Army  | 272,029 | 217,245 | 190,272 | 175,292 | 162,217 | 159,918 |
| Navy  | 65,291  | 60,049  | 79,783  | 112,766 | 107,150 | 96,934  |
| Air Force                                       | 25,971  | 34,713  | 35,845  | 37,556  | 30,052  | 26,368  |
| Marine Corps                                    | 56,230  | 50,728  | 60,101  | 72,237  | 64,331  | 60,076  |
| Total   | 419,521 | 362,735 | 366,001 | 397,851 | 363,750 | 343,296 |
| Rate/1000                                       | 145.1   | 144.5   | 157.6   | 180.27  | 169.65  | 160.04  |
| <b>Federal and State Felony Convictions</b>     |         |         |         |         |         |         |
| Army  |         |         |         | 1,697   | 1,700   | 1,240   |
| Navy  |         |         |         | 1,927   | 1,350   | 1,053   |
| Air Force                                       |         |         |         | 282     | 194     | 332     |
| Marine Corps                                    |         |         |         | 1,328   | 1,456   | 1,230   |
| Total   |         |         |         | 4,334   | 4,700   | 3,855   |
| Rate/1000                                       |         |         |         | 1.96    | 2.19    | 1.80    |

Rate/1000 =  $\frac{\text{Number}}{\text{Avg. Total Monthly End Strength}}$

\*Rate per 1000 based on end of year data from DoD Report on Selected Manpower Statistics, p. 22.